

Category II Temporary Helistop Information Packet

For 901 S. MoPac, Bldg. 3, Austin, TX 78746



City of Austin – Department of Aviation
3600 Presidential Blvd., Suite 411
Austin, TX 78719

Prepared July 1, 2014
Update August 21, 2014
Updated September 22, 2014
Updated October 23, 2014
Updated October 27, 2014

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**Department of Aviation Category II Temporary Helistop Permit Information Packet
For 901 S. MoPac, Bld. 3, Austin, TX 78746**

Introduction

Finns Up Aviation, LLC submitted an application for a Category II temporary helistop permit on April 25, 2014. Following the process for a Category II¹ temporary helistop permit as outlined in Title 13-1 of City Code relating to heli-facilities, a decision from the Director of Aviation for the permit was made on July 1, 2014. The Site is approved subject to the completion and submittal of documentation evidencing the completion of the certain conditions. The intent of this document is to provide information about the application, the application process, and information for the decision.

Application Information

Submitted by:	Fins Up Aviation, LLC
Where:	901 S. MoPac, Building 3, 78746
When:	October 31 st – November 2 nd .
Is application complete:	Yes
Insurance requirements ² met:	Yes
FAA requirements ³ met:	Yes
Operational safety at site:	Yes
Objections from other city departments:	No
Number of expected daily operations	48
Other temporary helistops with .5 miles or within the last 180 days ⁴	No

Application Process Timeline

Apr 25, 2014	Application received
Apr 29, 2014	City departments notified
Apr 29, 2014	Posted application online and notified by e-mail neighborhood association within 500 ft. to communicate such notice to its members and residents
Apr 30, 2014	Notified Neighborhood Associations with 500 ft. by mail
Apr 30, 2014	Posted Neighborhood Association notice online
May 1, 2014	Application is administratively complete
May 8, 2014	Mail-out notification went out from Planning and Development Review Dept.
June 7, 2014	Comment period ends
July 2, 2014	Director's decision made within 30 days
July 2, 2014	Permit Decision Letter posted to website and notified by e-mail neighborhood association within 500 ft. to communicate such notice to its members and residents
July 2, 2014	Appeal ⁵ period begins
July 16, 2014	Appeal period ends (a response to a an appeal must be filed within 14 of the initial appeal being submitted)
July 15, 2014	An appeal was submitted to the Department of Aviation
Jul 16, 2014	Appeal delivered to the City Manager
Jul 13, 2014	City Manager denies the appeal
Jul 15, 2014	City Manager's appeal decision memo is posted online
Aug 16, 2014	CM decision on appeal due date
Aug 20, 2014	Fins Up e-mailed statement from Texas Parks and Wildlife stating no impact to wildlife.

¹ Title 13 of City Code, 13-1-181, - Application Requirements for Category II

² Title 13 of City Code, 13-1-185

³ Title 13 of City Code, 13-1-173 (B)(2), – Letter of no objection

⁴ Title 13 of City Code, 13-1-191

⁵ Title 13 of City Code, 13-1-173

L_{eq} noise contours (based on 48 operations per day)

Noise levels are represented as *Equivalent Sound Level* (L_{eq}). The L_{eq} value represents one constant sound level for the specific time period that contains as much sound energy as the actual varying sound levels that existed during the time period. The L_{eq} is the noise metric specified by Title 13 of City Code for a Category I and Category II helistop⁶.

Figure 1 illustrates the L_{eq} noise contours for the proposed site based on the type of helicopter, the number of operations per day, and the proposed arrival and departure paths.

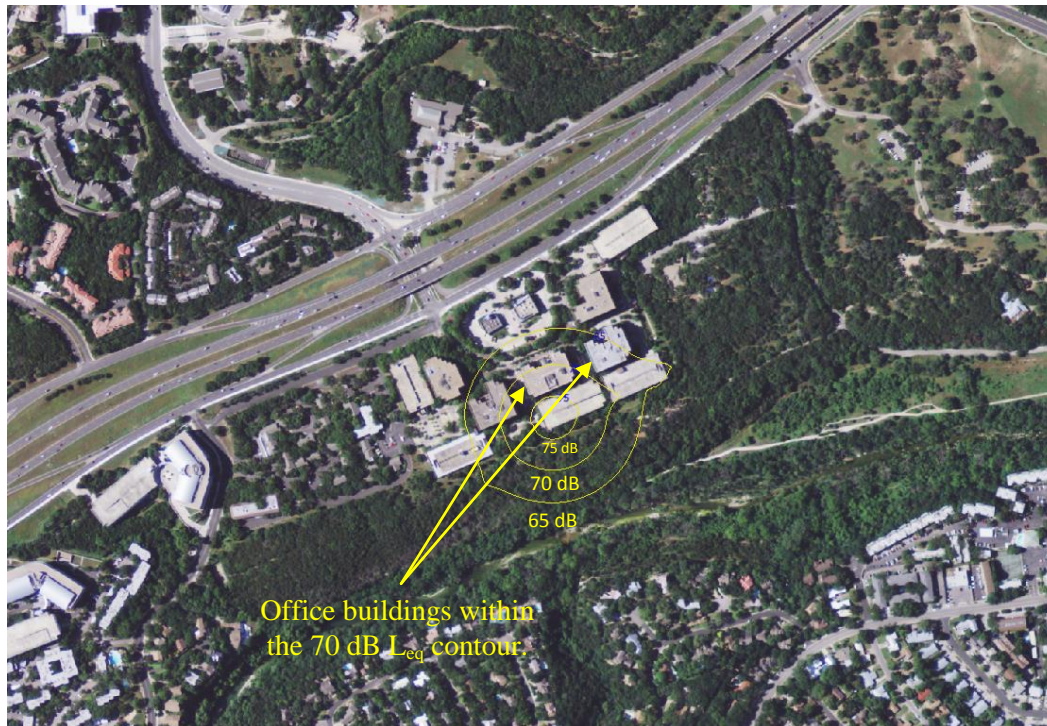


Figure 1

Noise sensitive areas within 4000 feet: (Figure 16 in Appendix C)

- Three office buildings, – (primarily impacted on Friday) Located at 901 S. MoPac in the Barton Oaks Plaza, are within 500 ft. of the helistop site. Barton Oak II and Barton Oaks III are within the 70 decibels⁷ (dB) L_{eq} contour while Barton Oaks IV is just outside the contour. The applicant is to provide letters from the building managers/owners stating there are no objections for the helicopter operations. – *Pending*
- Park Hills Baptist Church – (impacted on Sunday morning) The church is not within the 65 dB⁸ L_{eq} contour as specified in Title 13 of City Code. The L_{eq} noise level (at the location of last year's monitor) as modeled in INM is expected to be approximately 48.5 dB L_{eq}. The applicant is to notify the church administration in writing of the intended helicopter operations. – *Pending*
- Austin Nature and Science Center – The Nature Center is not within the 70 dB L_{eq} contour as specified in Title 13 of City Code. The L_{eq} noise level (at the location of last year's monitor) as modeled in INM is expected to be approximately 50.9 dB L_{eq}. The applicant is to notify the Austin Nature and Science Center administration in writing of the intended helicopter operations. – *Pending*

⁶ Title 13 of City Code, 13-1-171 (B)(21)(a). – Guidance from FAA Part 150

⁷ Title 13 of City Code, 13-1-171 (B)(19)(b). – Guidance from FAA Part 150

⁸ Title 13 of City Code, 13-1-171 (B)(19)(a). – Guidance from FAA Part 150

- Barton Hills Neighborhood Association – The neighborhood is not within the 65 dB L_{eq} contour as specified in Title 13 of City Code. The L_{eq} noise level (at the location of last year's monitor) as modeled in INM is expected to be approximately 52.9 dB L_{eq} .
- Zilker Neighborhood Association - The neighborhood is not within the 65 dB L_{eq} contour as specified in Title 13 of City Code. The L_{eq} noise level as modeled in INM, and at the closest point the neighborhood is to the helistop, is expected to be approximately 37.3 dB L_{eq} .
- Barton Creek Greenbelt - Multiple agencies were contacted to determine who would be the appropriate agency with the jurisdiction to make an environmental evaluation. It was finally determined that Texas Parks and Wildlife would make the evaluation. The applicant will need written documentation from Texas Parks and Wildlife that states there is no impact to endangered species within the Barton Creek Greenbelt at the time of the event. – *Completed*

Public Notifications

Two notifications were sent out to notify the public. **Figure 2** is the first notice sent out on April 30, 2014 to the adjacent neighborhood associations. **Figure 3** is the second notice sent out by mail on May 8, 2014 by Planning and Development Review Dept. **Figure 4** is the distribution list for the mail-out notification.

Category II Helistop Application

Dick, Stephen

Sent: Wed 4/30/2014 2:39 PM

To: sector7@ancweb.org; Melissa Hawthorne; president@ancweb.org; sector10@ancweb.org; 'David King'; mitchell.t.mcgovern@gmail.com; joshallen@austin.rr.com

Cc: Carpenter, Kane; Lintner, Loren

Per Title 13 of City Code relating to heli-facilities, we are contacting neighborhood associations within 500 feet of a proposed Category II helistop that has been submitted to the City of Austin Department of Aviation. The Planning and Development Review Department has your name as the point of contact on their Community Registry, and your neighborhood is within close proximity of the proposed site. A notice by mail will be delivered within 10 days to property owners and utility customers within 500 feet of the proposed helistop and to property owners and utility customers within the proposed helistop's 65 Leq dB noise contour as modeled by the FAA noise model. If there are any changes made to the application, an updated copy of the application will be posted online and all those originally contacted will be notified of the change. The public comment period shall commence on the date the required notice has been delivered by mail and end 30 days after a filed application is administratively complete in all respects.

The application is available online for review at the following website: <http://www.austintexas.gov/page/helicopter-facilities-stakeholder-input-meetings>. Please e-mail any comments regarding the Cat II application to abianoise@austintexas.gov. The Department of Aviation will compile and submit for the director's review all comments received during the public comment period.

Thank you,

Stephen Dick
 Research Analyst
 Austin-Bergstrom International Airport
 2716 Spirit of Texas Dr.
 Austin, TX 78719
 (512) 530-5541

Figure 2



NOTICE OF FILING OF APPLICATION FOR A CATEGORY II HELISTOP

Este aviso es para informarle que hemos recibido una aplicación de Category II Helistop dentro de una distancia de 500 pies de su propiedad. Si usted desea recibir información en español, por favor llame al (512) 530-5566.

Mailing Date: May 8, 2014

Case Number:

The City of Austin has sent this letter to inform you that we have received an administratively complete application for administrative approval for a Category II Helistop. We are notifying you because City Ordinance, Section 13-1-181(D)(1)(c)(ii), requires that all property owners and utility customers within 500 feet of the proposed helistop and to property owners and utility customers within the proposed helistop's 65 Leq dB noise contour as modeled by the FAA noise model be notified when the City receives an administratively complete application. **A decision will not be made regarding this application before the date when the City receives an administratively complete application.** A Category II Helistop does not require a public hearing but is considered for approval by the director. The public comment period shall commence on the date the required notice has been provided and end thirty (30) days after a filed application is administratively complete. Please e-mail any comments regarding the Category II application to abianoise@austintexas.gov. The Department of Aviation will compile and submit for the director's review all comments received during the public comment period. Below you will find information regarding the application.

Applicant:	Fins Up Aviation, LLC
Helistop Location:	901 S. MoPac, Building 3, Austin, TX 78746
Purpose:	Passenger service
Specific Event:	Formula 1

The application is available for review online at the following website:
<http://www.austintexas.gov/page/helicopter-facilities-stakeholder-input-meetings>

For additional information on the City of Austin's temporary helistop process, please visit the city's web site at (Chapter 13-1, Article 4):
[http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:austin_tx\\$anc=](http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas?f=templates$fn=default.htm$3.0$vid=amlegal:austin_tx$anc=)

Figure 3

<p>HELISTOP 901 SOUTH MOPAC 213101</p> <p>BARTON OAKS OFFICE CENTER LLC C/O TIG 901 S MOPAC EXPRESSWAY BLG IV SUITE 285 AUSTIN TX 78746</p>	<p>HELISTOP 901 SOUTH MOPAC 0104090507</p> <p>BARTON OAKS OFFICE CENTER LLC 660 NEWPORT CENTER DR STE 1300 NEWPORT BEACH CA 92660-6492</p>	<p>HELISTOP 901 SOUTH MOPAC 0104090510</p> <p>TEXAS COUNTY & DISTRICT RETIRE RETIREMENT SYSTEM PO BOX 2034 AUSTIN TX 78768-2034</p>	<p>HELISTOP 901 SOUTH MOPAC 213105</p> <p>TX CO & DIST. RETIREMENT (K3) 901 S MOPAC EXPY 4-285 C/O TIG REAL ESTATE SVC AUSTIN TX 78746</p>
<p>HELISTOP 901 SOUTH MOPAC 197244</p> <p>BARTON OAKS PLAZA V LP 901 S MO PAC EXPY # 4 STE 285 AUSTIN TX 78746</p>	<p>HELISTOP 901 SOUTH MOPAC 0104090511</p> <p>BARTON OAKS PLAZA V LP 901 S MO PAC EXPY BLDG 4 AUSTIN TX 78746-5776</p>		
<p>HELISTOP 901 SOUTH MOPAC 212542</p> <p>BARTON OAKS PROPERTY ASSOC C/O TIG REAL ESTATE SERVICES C/O TIG REAL ESTATE SERVICES AUSTIN TX 78746</p>	<p>HELISTOP 901 SOUTH MOPAC 213102</p> <p>BOP II & III LLC 901 S MOPAC # II # II SUITE 425 AUSTIN TX 78746</p>		
<p>HELISTOP 901 SOUTH MOPAC 0104090508</p> <p>BOP II & III LLC ATTN RICHARD E ANDERSON STE B250 3600 N CAPITAL OF TEXAS HWY AUSTIN TX 78746-3367</p>	<p>HELISTOP 901 SOUTH MOPAC 0104090503</p> <p>CITY OF AUSTIN PO BOX 1088 AUSTIN TX 78767-1088</p>		
<p>HELISTOP 901 SOUTH MOPAC 0104090513</p> <p>CONDOMINIUM</p>	<p>HELISTOP 901 SOUTH MOPAC 0104090501</p> <p>LIBERTY PARKWAY LTD PO BOX 12127 AUSTIN TX 78711-2127</p>		
<p>HELISTOP 901 SOUTH MOPAC 0104090512</p> <p>LITTLE BRADFIELD LAND LLC 2414 EXPOSITION BLVD STE D210 AUSTIN TX 78703-2279</p>	<p>HELISTOP 901 SOUTH MOPAC 404535</p> <p>PEEL PAULSON DESIGN 1012 MOPAC CIR STE 200 AUSTIN TX 78746</p>		
<p>HELISTOP 901 SOUTH MOPAC 319918</p> <p>SOUTHWESTERN BELL (K7) PO BOX 182552 XP6624 XP6624 COLUMBUS OH 43218</p>	<p>HELISTOP 901 SOUTH MOPAC</p> <p>STEPHEN DICK AUSTIN-BERGSTROM INTERNATIONAL AIRPORT 2716 SPIRIT OF TEXAS DR. AUSTIN TX 78719</p>		

Figure 4

Comments from residential areas:

The actual comments are in **Appendix B**.

Barton Hills

The Barton Hills Neighborhood Association formally opposed the helistop application. Safety and noise issues were reviewed by City staff for the Barton Hills neighborhood.

Safety: The applicant has identified approach and departure flight paths that do not fly over the Barton Hills neighborhood. The applicant will use fly friendly routes to avoid the homes as much as possible.

Noise: There are no homes within the 65 dB L_{eq} contour as measured in INM.

Zilker

The Zilker Neighborhood Association formally opposed the helistop application. Their disapproval of the proposed site was based on noise and safety to their neighborhood, the Barton Hills neighborhood, Zilker Park, and the environmentally sensitive Barton Creek greenbelt. Safety, noise, and environmental issues were reviewed by City staff for the Zilker neighborhood.

Safety: The applicant has identified approach and departure flight paths that do not fly over the Zilker neighborhood. The flight path could fly over the northwest corner of Zilker Park and will fly over the greenbelt as it approaches and departs the helipad. The applicant will use fly friendly routes to avoid the homes and parks as much as possible.

Environmental: There are seven endangered aquatic species and nine cave dwelling invertebrates living in the in the Edwards Aquifer. However, there is no construction to disrupt the habitat and the helistop is elevated above the green belt. There are also two endangered birds that nest in the Texas Hill Country. However, both species migrate and spend winter in Mexico between September and March. The applicant will provide a statement from Texas Parks and Wildlife for an official assessment.

Noise: The Zilker neighborhood is approximately 3,100 ft. from the closes point to the proposed site and there are no homes within the 65 dB L_{eq} contour as measured in INM.

Conditions Letter

Figure 5 is the letter of conditions sent to the applicant. The letter outlines the conditions that needs to be met before an approval can be considered.

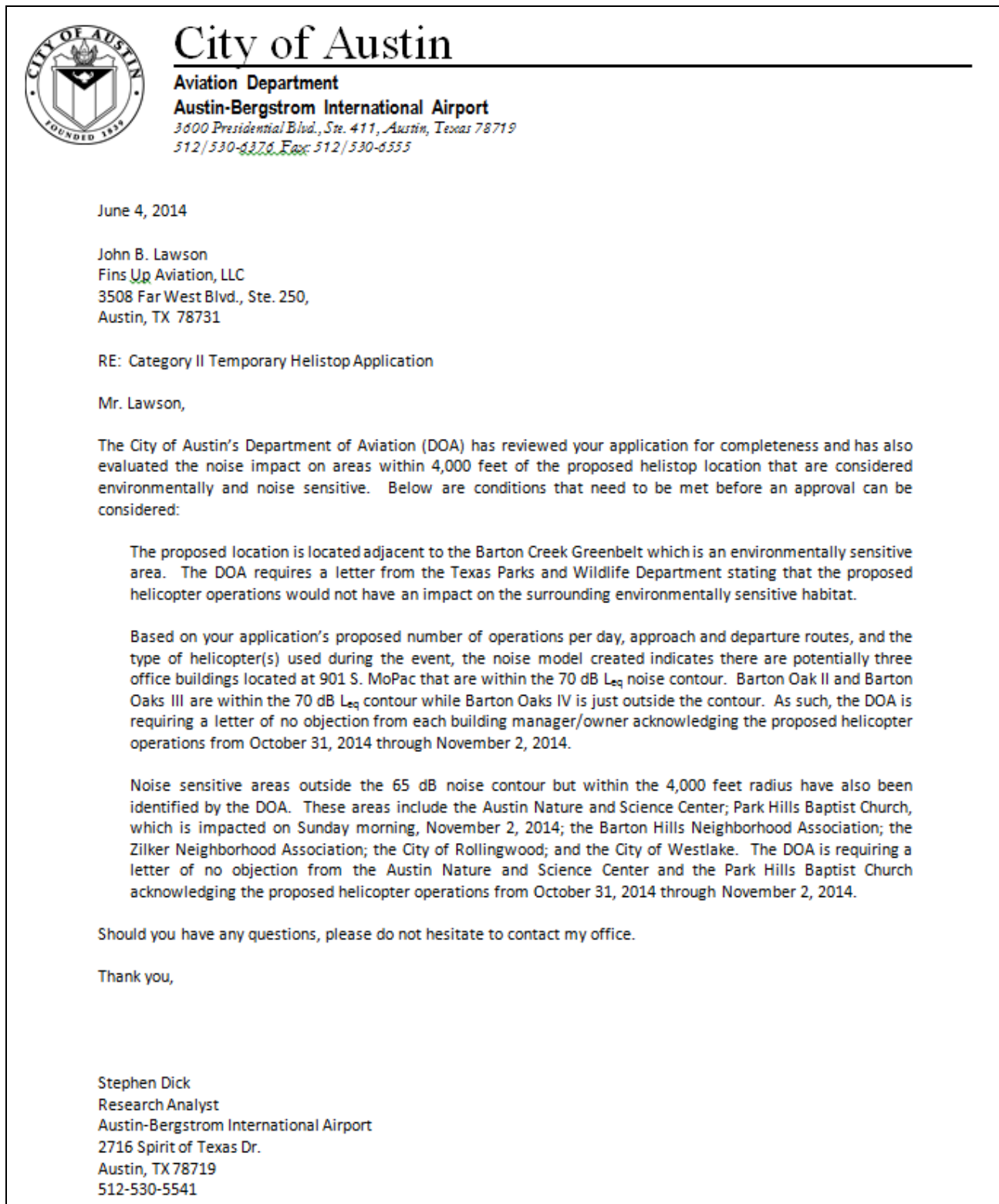


Figure 5

Decision Letter

Figure 6 is the letter approving the application providing certain conditions are met.

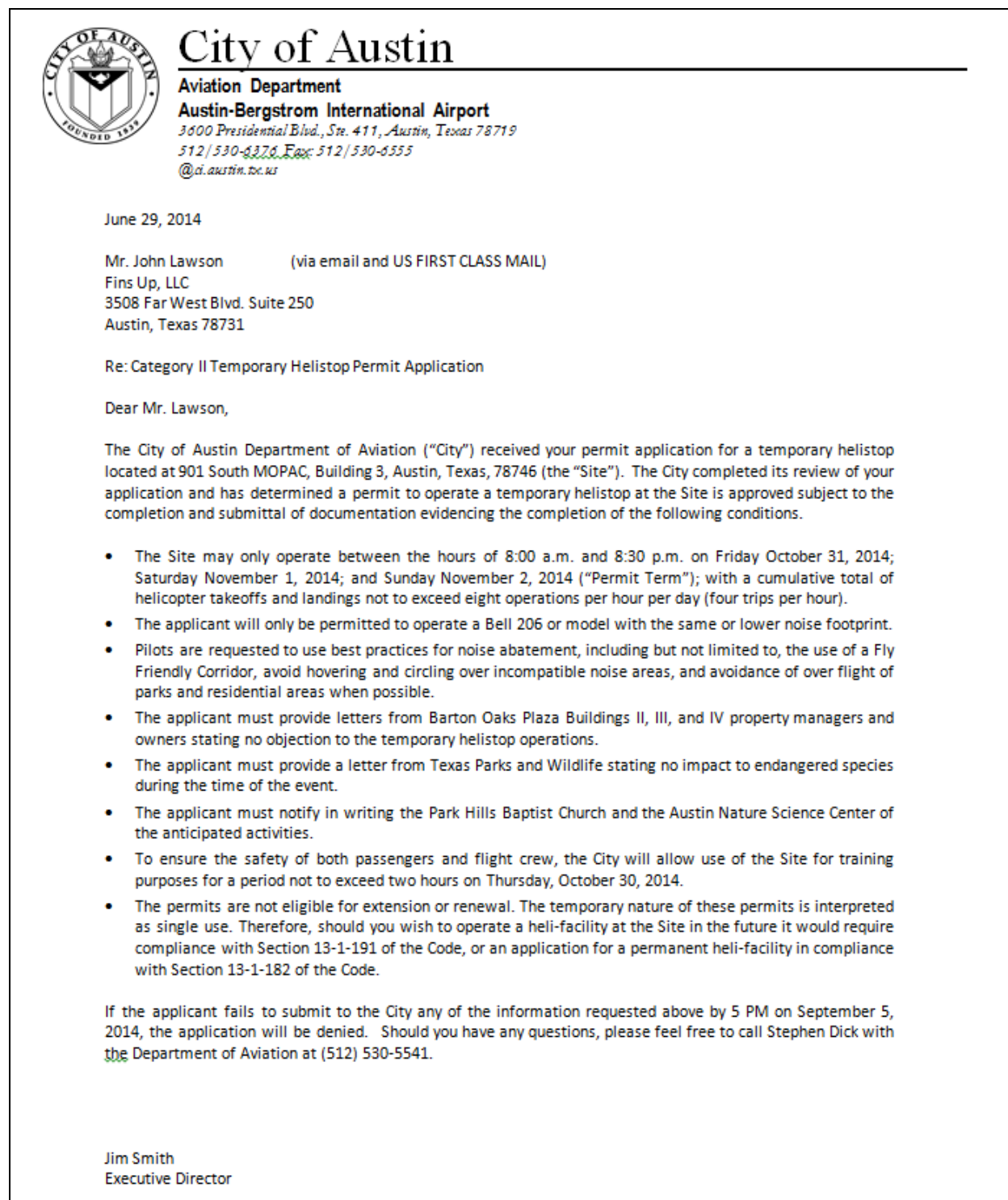


Figure 6

Summary

The application is complete and no city departments have objected to the helistop. Two neighborhood associations have provided written comments opposing the helistop.

The noise level for the surrounding residents is below the L_{eq} tolerances prescribed by the ordinance. However, there are two office buildings located between the 70 – 75 dB L_{eq} contours which would make the helistop site not compatible with the location. The applicant will need to provide letters from the property managers stating there are no objections for the helicopter operations.

It is recommended that the application be approved if the following conditions are met:

- Contact the building managers/owners for Barton Oaks II, Barton Oaks III, and Barton Oaks IV for letters stating no objection to the operations;
- notify the Park Hills Baptist Church of the intended helicopter operations;
- notify the Austin Nature Center of the intended helicopter operations;
- contact Texas Parks and Wildlife for a letter stating no impact to wildlife;
- the applicant will only be permitted to operate a Bell 206 or model with the same or lower noise footprint;
- the applicant will only be permitted to operate between 8:00 am and 8:30 pm with a cumulative total of helicopter takeoffs and landings not to exceed eight operations per hour per day (four trips per hour).

The pilot will use best practices for noise abatement, including but not limited to, the use of a Fly Friendly Corridor, avoid hovering and circling over incompatible noise area, and avoidance of over flights of parks and residential areas when possible.

Appendix A – Fins Ups Aviation response to the conditions

Figures 7 through **11** make up the Letters submitted by Fins Up Aviation responding to the required conditions for the application.

Figure 7 is an e-mail from Texas Parks and Wildlife stating no impact to wildlife.

From: Jessica Schmerler [<mailto:Jessica.Schmerler@tpwd.texas.gov>]
Sent: Wednesday, August 20, 2014 2:56 PM
To: John B. Lawson
Subject: RE: Helipad and T/E species

Hi John,

TPWD does not have any threatened/endangered species concerns within the Barton Creek Greenbelt (between Town Lake on the North and Highway 360 on the south) as a result of the proposed helipad project located at the 4-story parking garage at Barton Oaks Plaza (901 S. MoPac, Bldg. 3, Austin, TX 78746). Please let me know if you need anything else or have any questions.

Thank you!
Jessica

Jessica E. Schmerler
Texas Parks and Wildlife Department
Wildlife Division - Habitat Assessment Program
4200 Smith School Road
Austin, TX 78744

Phone: (512)389-8054
Fax: (512)389-4599
Jessica.schmerler@tpwd.texas.gov (Please note new email address)

Figure 7

Figure 8 is a letter from the property owner/manager of Plaza Oaks Building IV.



September 22, 2014

Mr. Jim Smith
Executive Director
City of Austin Aviation Dept.
3600 Presidential Boulevard, Suite 411
Austin, Texas 78719

Re: Barton Oaks Plaza Helistop

Dear Mr. Smith:

Barton Oaks Plaza IV, a building located at 901 S. MoPac Expressway, is owned by Texas District & County Retirement System and managed by TIG Real State Services.

This letter is to confirm that I as well as a representative from the owner met with John Lawson this week and are fully aware of the proposed helicopter operations from the Barton Oaks Plaza III garage during the 2014 Formula One event to be held October 31- November 2. We would require for the various ownership entities be named as additional insurds prior to the event.

Please call me at 512-732-0400 if you have any questions.

Sincerely,
TIG REAL ESTATE SERVICES

A handwritten signature in black ink, appearing to read "D. Alsmeyer".

David Alsmeyer
Managing agent for TCDRS

Figure 8

Figure 8 is a letter from the property owner/manager of Barton Oaks Plaza Building's II and III.

<p style="text-align: center;"><u>EXHIBIT D</u></p> <p style="text-align: center;"><u>LETTER OF PERMISSION</u></p> <p>October 14, 2014</p> <p>Mr. Jim Smith Executive Director City of Austin Aviation Dept. 3600 Presidential Boulevard, Suite 411 Austin, Texas 78719</p> <p>Re: Barton Oaks Plaza Helistop</p> <p>Dear Mr. Smith</p> <p>Please accept this letter as our authorization for Fins Up Aviation, LLC to have permission to land helicopters during the 2014 Formula One Grand Prix at our property located at 901 S. Mopac Expressway, Austin, Texas 78746, also known as Barton Oaks II and III Buildings, subject to the Event License Agreement between the parties.</p> <p>Sincerely,</p> <p>Austin Barton Oaks GP, LLC, a Delaware limited liability company, its General Partner</p> <p>By: <u>Sally Kittles</u> Name: <u>Sally Kittles</u> Title: <u>Vice President</u></p> <p style="text-align: center;">AUSTIN BARTON OAKS, LP, a Delaware limited partnership c/o Invesco Real Estate Three Galleria Tower, Suite 500 13155 Noel Road Dallas, Texas 75240 Attention: Asset Manager</p> <p style="text-align: center;">9</p> <p>EVENT LICENSE AGREEMENT</p>	<p>Figure</p>
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Figure 10 is the notification to Austin Nature and Science Center.

F1 Helicopter Operations

John B. Lawson <jlawson@waxmancavner.com>

Sent: Wed 10/22/2014 3:37 PM

To: Russell, Margaret

Cc: Maddox, Kathy; Fuller, Pat; Dick, Stephen; John B. Lawson

Margaret,

I wanted to let you and your team know that we will again be providing helicopter shuttle service to and from the Circuit of the Americas track from Friday Oct 31 through Sunday Nov 2. We will be operating from the Barton Oaks III temporary helipad (same location as last year) up at the top of the hill and across the highway from your location. Our operations will start around 8am on Friday and Saturday and around 8:30am on Sunday. We will conclude around 6pm on Friday and Saturday and around 7pm on Sunday. Our current plan is to only use one helicopter this year (last year we used two) and we currently have reservations for about 5 landings each morning and each afternoon at the Barton Oaks location.

We have slightly modified our flight path this year to get us higher and a bit further east of you by the time we are adjacent to your location over Mopac. Hopefully, you won't even be aware that we are operating across the highway. However, please don't hesitate to give me a call to ask any questions or if you have any issues that need addressed during the weekend. My cell number is below and will be the best way to reach me that weekend.

Regards,

John

John B. Lawson

Fins Up Aviation, LLC

3508 Far West Blvd.

Suite 250

Austin, TX 78731-3080

Direct: 512-477-9064

Cell: 512-970-2906

Figure 10

Figure 11 is the notification to The Park Hills Baptist Church.

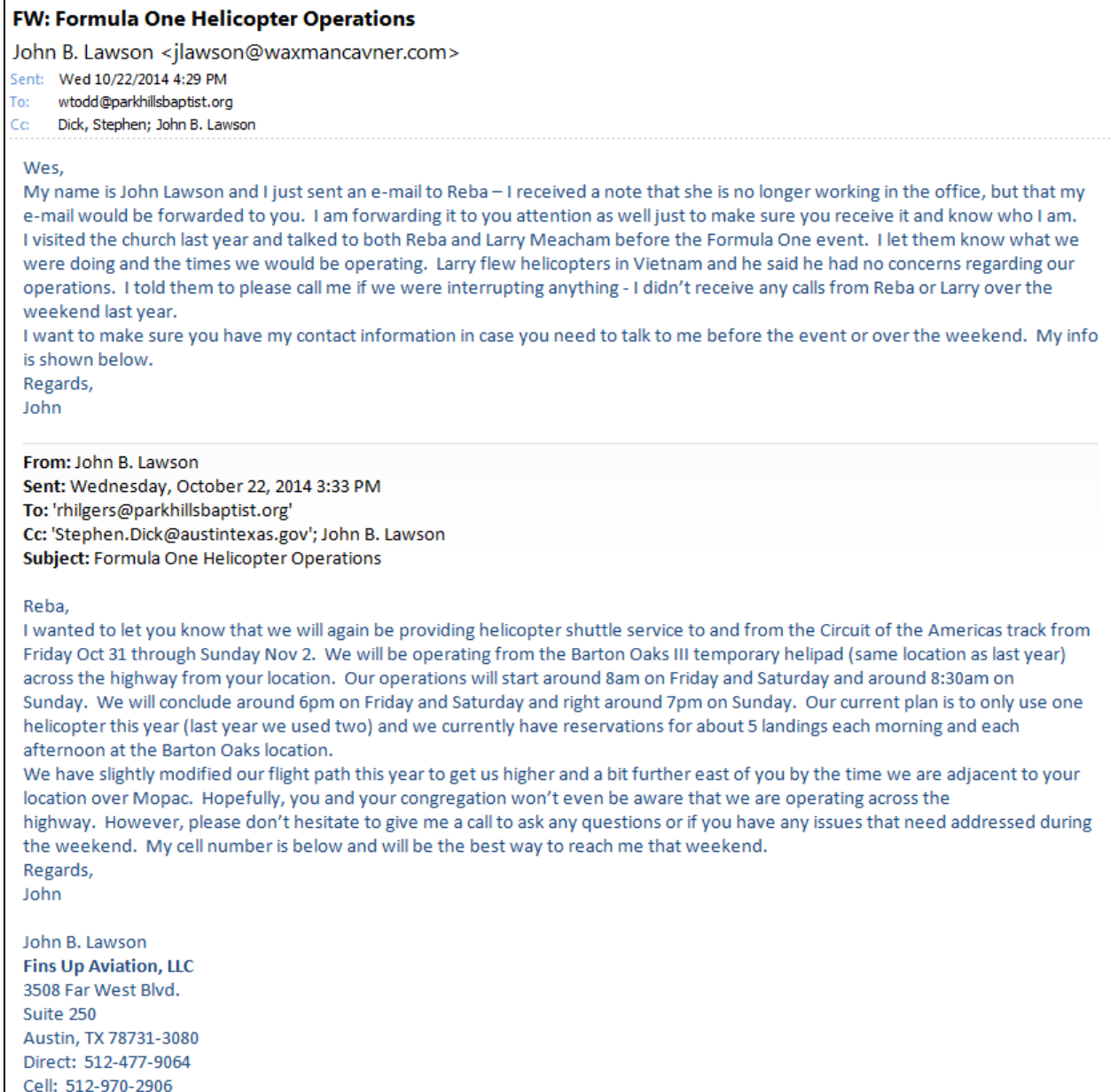


Figure 11

Appendix B – Public Comments

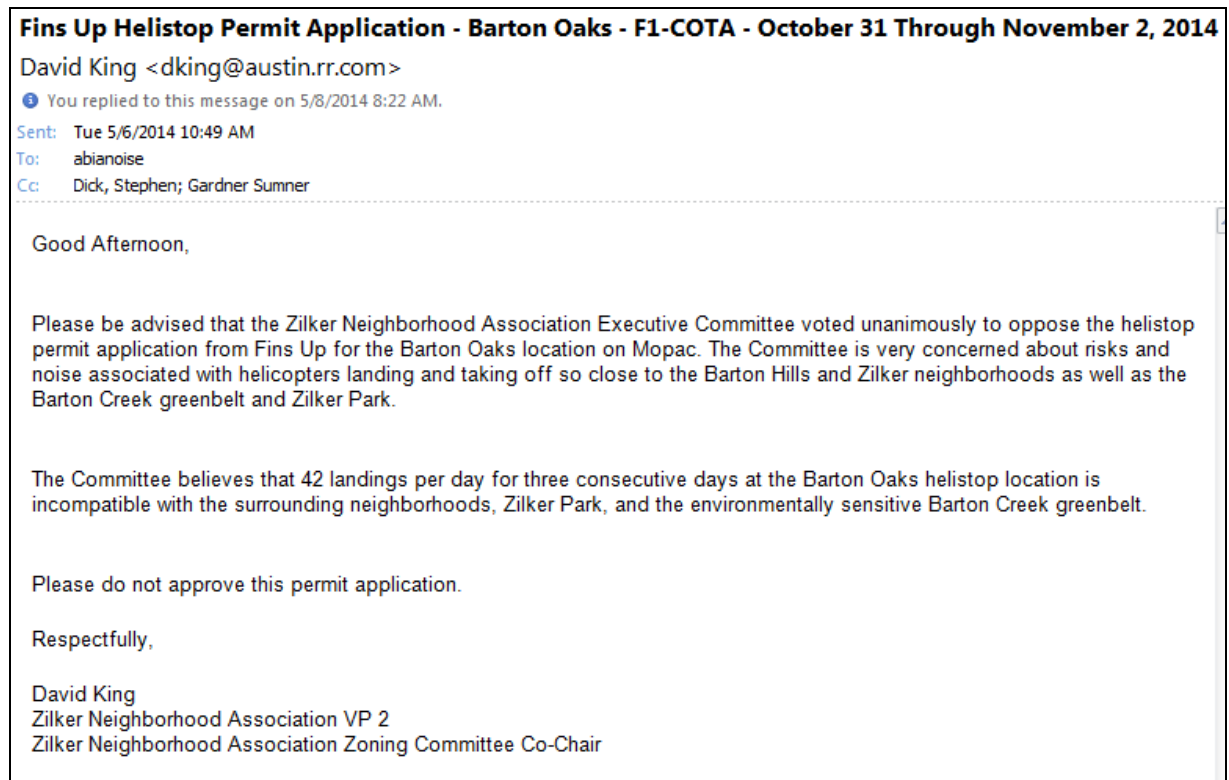


Figure 12



Figure 13

Appendix C – Noise Sensitive Areas



Figure 14